

DOCKET NO. 2002.01.037.WT0
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REMARKS

Claims 1-20 were originally filed in the present application.

Claims 1-4, 6-8, 10-15, 17-19 and 21-26 are pending in the present application, and were each rejected in the December 1, 2005, Office Action. Reconsideration of the claims is respectfully requested.

In Sections 2 and 3 of the December 1, 2005, Office Action, the Examiner rejected Claims 1-4, 6-8, 10-15, 17-19 and 21-26 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,625,455 to Ariga (hereafter, "Ariga") in view of United States Patent Application Publication No. 2002/0142792 to Martinez (hereafter, "Martinez"), and further in view of United States Patent No. 6,907,254 to Westfield (hereafter, "Westfield"). The Applicants respectfully traverse the rejection.

The Applicants direct the Examiner's attention to independent Claim 1, which contains the unique and novel limitations emphasized below:

1. For use in a wireless communications system, a system for automatically customizing operation of a wireless device comprising:

a small area transmitter supporting wireless connectivity with wireless devices and a behavior service defining behavior of wireless devices within a service area for the small area transmitter,

wherein a wireless device,

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upon detecting the behavior service upon entering the service area and receiving a behavior set from the small area transmitter, automatically sets operation of the wireless device to conform to the behavior set and associated user preferences, and

upon detecting unavailability of the behavior service following previous availability of the behavior service, automatically restores operation of the wireless device to a state existing prior to automatic setting of the operation of the wireless device to conform to the behavior set and associated user preferences. (Emphasis added)

The Applicants respectfully submit that the above-emphasized limitations of Claim 1 are not disclosed, suggested, or even hinted at in Ariga, Martinez, Westfield, or any combination of them. Arguments with regard to Ariga and Martinez as presented in the previous response are repeated below. The Examiner made a new rejection to include Westfield, and expressly concedes that the combination of Ariga and Martinez does not teach or suggest receiving a behavior set from the small area transmitter.

The Ariga reference describes a portable telephone system wherein a portable telephone entering a building is instructed by a simple base station device to turn power off to its radio section. See Ariga, col. 3, lines 39-54. When the portable telephone goes out of the building, the simple base station device instructs it to turn power on to its radio section. See Ariga, col. 3, line 64, through col. 4, line 7. Only a single command value (01h) is sent, which is interpreted by the

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portable telephone as a 'power off' command when entering the building in a powered-on condition, and as a 'power on' command when going out of the building in a powered-off condition. See Ariga, Figure 4, col. 5, lines 4-10.

Thus, the Ariga reference describes a system in which a portable telephone entering or exiting the service area of a low power base station near the entrance of a building receives a command from the base station, causing it to toggle power on or off to its radio section. The reference does not disclose a wireless device that detects a behavior service and automatically conforms its operation to a behavior set received from a small area transmitter and that, upon subsequently detecting the unavailability of the behavior service, automatically restores its operation to a previous state, as recited in independent Claim 1.

The Martinez reference discloses cellular telephones that allow a user to define operational settings (such as ring on/off, vibrate on/off, ring loud/soft) and store the settings as user preference information. See Martinez, paragraph 0004. Such sets of user preference information are stored in the cellular telephone. See Martinez, Fig. 7, paragraph 0037. Utilizing the method and apparatus of the Martinez reference, as specified conditions or triggers are sensed, a corresponding set of user preferences is selected. See Martinez, Fig. 1, paragraph 0021.

For example, the movement of a cellular telephone into a private telephone network causes the telephone to select a first specified set of user preference information. See Martinez, paragraph 0022. That is, entry of the telephone into a private network causes the selection of user preferences entered by the user, rather than preferences received from the private telephone network. As a result,

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the Martinez reference does not teach a wireless device which, upon detecting a behavior service upon entering the service area of a small area transmitter and receiving a behavior set from the small area transmitter, automatically conforms its operation to the received behavior set, as recited in independent Claim 1.

Furthermore, the subsequent movement of the telephone into a public telephone network causes the telephone to select a second specified set of user preference information. See Martinez, paragraph 0023. That is, the selection of user preferences is performed in response to entering the public network, rather than exiting the private network. Moreover, upon entering the public network, the telephone selects user preferences associated with the public network, rather than restoring preferences in use before the telephone entered the private network. As such, the Martinez reference does not disclose a wireless device which, upon detecting the unavailability of a previously available behavior service, automatically restores its operation to a state that existed prior to its entry into the service area of the small area transmitter, as recited in independent Claim 1.

In his final Office Action, the Examiner adds the Westfield reference to the combination. Westfield is drawn to systems and method for spatially controlling cellular phone usage. The Examiner incorrectly states that Westfield teaches "a wireless device, upon detecting the behavior service upon entering the service area and receiving a behavior set from the small area transmitter", as required by claim 1, and that it does so in col. 6, lines 2-42.

This passage describes a method of enforcing a quiet zone by putting phones in the quiet zone into a quiet mode. When a phone enters the "quiet zone", a central facility receives an IP message

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that identifies the phone. The central facility preferably is a switching center. The central facility sends a hushing command to the phone, preferably by sending an IP message to the base station, which relays it to the phone. The hushing command causes the phone to go into a quiet mode and can be configurable, for example it can be a command for the phone to turn itself off.

As described in this passage of Westfield, the wireless does not receive a behavior set from a small area transmitter, rather, it receives an "IP message" from a "central facility", which is a base station (col. 6, line 38) or preferably a switching center (col. 6, line 33), and not from a "small area transmitter". As described in the specification as filed, the claimed "small area transmitter" can be, e.g., a Bluetooth or similar transmitter. Such transmitters have very limited transmission distances, hence "small area". No reasonable interpretation of the current claims could include a mobile switching center or base station of a cellular wireless communication system as described in Westfield.

Further, this "IP message" is alternately described as "causing [the phone] to change behavior" (col. 2, line 36), "an IP message that can include a hushing command" (col. 2, line 52), "an IP message is sent to the cellular phone device that includes notification that the cellular phone devices has entered a quiet zone" (col. 3, lines 6-9). None of these descriptions teaches or suggests at all that the "IP message" is a "behavior set" as claimed.

As such, Westfield does not teach or suggest "a wireless device, upon detecting the behavior service upon entering the service area and receiving a behavior set from the small area transmitter", as required by claim 1. As the Examiner has already conceded that these limitations are not taught or

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suggested in the other art of record, no combination of the cited art teaches or suggests the plain limitations of claim 1. Independent Claims 3, 7, 12, 14 and 18 include similar features, and are similarly distinguished over all art of record.

Thus, independent Claims 1, 3, 7, 12, 14 and 18 contain unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in Ariga, Martinez, Westfield, or in any combination of these references. This being the case, Claims 1, 3, 7, 12, 14 and 18 are patentable over the all art of record.

Also, dependent Claims 2, 4, 6, 8, 10, 11, 13, 15, 17, 19 and 21-26 depend from independent Claims 1, 3, 7, 12, 14 and 18, directly or indirectly, and contain all of the unique and non-obvious limitations recited in the base claims. As such, Claims 2, 4, 6, 8, 10, 11, 13, 15, 17, 19 and 21-26 also are patentable over all art of record. Thus, the Applicants respectfully request the withdrawal of the §103 rejection of Claims 1-4, 6-8, 10-15, 17-19 and 21-26.

Further, Claim 11 requires "the user preferences specify, for each behavior associated with a known attribute within attribute-value pairs received from the small area transmitter, one of automatic acceptance of the behavior, automatic rejection of the behavior, and notification of a user for manual acceptance or rejection of the behavior, wherein the acceptance, rejection, or notification may be conditional or unconditional." Claims 22, 24, and 26 include similar limitations. These are not taught or suggested by the art of record. The Examiner refers to paragraphs 0023-0025 of Martinez for this teaching, but these paragraphs do not include anything similar to what is claimed here, and it is unclear what elements of Martinez the Examiner believes meets the claim limitations.

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Applicants respectfully request that the Examiner specifically identify where he believes that Martinez teaches or suggests these specific options are specified in the user preferences for each behavior, so that this issue can be fully addressed on appeal.

Further, there is no proper motivation to incorporate the teachings of Westfield into the system described by Ariga, as it would simply be inoperable. Ariga describes that the phone is turned off when it enters the restricted zone. It would be utterly pointless to then add, according to Westfield, that the mobile switching center or base station should also send it a "hushing command."

All rejections are traversed.

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SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@davismunck.com.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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